

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEVIN PAUL DAVIS §
VS. § CIVIL ACTION NO. 1:04cv141
GARY JOHNSON, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kevin Paul Davis, formerly an inmate at the Lewis Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Gary Johnson and twenty-three other employees of the prison system and parole department.

The court heretofore referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends the motion to dismiss filed by defendants Gary Johnson, Gerald Garrett, Janie Cockrell, Shannon Bryant, Kerri Hambrick, Andrea Johnson, Gail Johnson, James Bush, Lucinda Simmons, Filiberto Reyno, Jimmy Alford, Jay Morgan, Christopher Howeth, Kevin Powell, Clifton Mattox, and Willie Haley be granted. The magistrate judge also recommends plaintiff's claims against all other defendants be dismissed without prejudice pursuant to FED. R. CIV. P. 4.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available

evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the defendants' motion to dismiss is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **19** day of **December, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge